

THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING ON MONDAY, SEPTEMBER 11, 2006.

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:30 p.m. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Price, Mr. Kochert, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan. Mr. Schmidt and Mrs. Crump were not present.

OTHERS: City Attorney Shane Gibson and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the minutes of the August 17 public hearing, Mr. Price second, all voted in favor.

Mr. Coffey moved to approve the minutes of the August 17 regular meeting, Mr. Price second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Patti Byerley, City Employee, spoke on the pay of the non-union city employees. She discussed her history as an employee. She suggested that the salaries should be based on length and responsibility of the job that the person is doing.

Randy Bulliet, Elm Street, discussed the ordinance that he proposed for residential parking. He informed them that they should have received minutes from the board of works where he did attend on November 3 to discuss this matter. However, after talking with Mr. Toran today it was brought up that he did not bring the prepared ordinance to the Board Of Works. He then explained that the ordinance was for homeowners that do not have off street parking. He also explained Exhibit A and Exhibit B that is on file with the City Clerks office which is zoning codes that deals with required parking. He stated that he felt that he should have accessible parking in front of his home the same as a neighbor who has a car port and he was willing to pay for a permit.

Shirley Baird, 642 Resident Street, spoke on behalf of the communications workers and their need for a pay raise. She stated that these people work tirelessly and that they are just as important as the other emergency workers. She stated that these people need a big thank you and a raise would be a good way to do that.

Sandy Boofter, Deputy Controller, stated that she did not begrudge anyone a deserved raise. She asked they look over the information given to them regarding the salaries of the non-bargaining employees and the years of service and the comparison they have been given in the past showing the salaries of employees of 1st and 2nd class cities in the State. She stated that she is the lowest paid deputy controller in the State of Indiana and that Mrs. Garry is the 4th lowest paid Controller. She informed them that there are 55 to 60 non-bargaining employees in the city of 300 employees and there is a history of them getting the lowest or no increases in their salaries each year and they haven't even been

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kept up with inflation. She asked that they please give the non-bargaining employees an equitable raise.

Lloyd Wimp, spoke in favor of G-06-16 to sell the bonds for Scribner Place. He also asked that they look close at the parking ordinance that was proposed by Mr. Bulliett.

Vicki Nugent, 1826 Ekin, stated that there is a large apartment complex on her street and there are typically cars from there parked in front of her house. She voiced her support for the proposed residential parking ordinance.

Kelly Welsh, Sewer Billing office, discussed her and April's increased responsibilities in the sewer billing office such as taking over the Silver Creek billing and the Storm Water billing. She mentioned that she is the lowest paid department head and that she would appreciate being brought up to where the others are.

Mr. Coffey read a letter from Mr. Donald Cooley, Silver Slate Drive, who wrote regarding the sewer board wanting to hire a sewer manager. Said letter is on file with the City Clerk's office.

Ms. Wisman read a letter from Mrs. Jane Alcorn, DNA, in favor of G-06-16. Said letter is on file with the City Clerks office.

COMMUNICATIONS – CITY OFFICIALS:

Shane Gibson, City Attorney, explained to the board that G-06-16 is similar to the ordinance that came before them last year for the Christian Academy and that there is no financial obligation by the city. He also discussed the delay and the complexities that caused that delay. He stated that the cities obligation of \$137,500 will not go up.

Mr. Coffey asked if these types of ordinances were not meant for industrial projects.

Mr. Gibson explained that this is a hybrid of what they were originally set up for.

Mr. Price asked about the State of Kentucky being mentioned in the ordinance.

Mr. Gibson stated that this was a typo and will need to be changed.

There was a lengthy discussion as to the City and the YMCA owning the property as tenants in common and other issues that delayed the project for the YMCA.

Joe Larocca explained that they shopped with many banks for the best rate and the bank that they received the best rate from ran into problems understanding the line between the ownership from the YMCA and the City.

Mr. Price asked why they had to go with a variable rate.

Mr. Skees explained that there were no fixed rates on these type of bonds.

Mr. Gibson asked that they do three reading tonight to keep the ball rolling.

COMMUNICATIONS – MAYOR:

Mayor Garner offered his and Kay's time to discuss salaries of the third floor employees. He also stated that the Robert E. Interceptor work is proceeding and that there have been borings under both hwy. 111 and the railroad tracks and they are ready to lay line.

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Mr. Gahan asked what the time frame is for passing the salary ordinance.

Mayor Garner stated that they can pass what they have as is and they can raise salaries at anytime since the State law changed.

Mr. Kochert asked if they could lower salaries.

Mayor Garner said that you could not lower salaries after the ordinance is passed.

Mrs. Garry stated that the salary ordinance needed to be passed by September 21.

APPOINTMENTS:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-06-32 Resolution Messer

Mr. Messer introduced R-06-32 and motioned for the reading by title only, Mr. Seabrook second.

Mrs. Garry explained that this is not an excise levy this is an increased levy in these two budgets.

Mr. Coffey stated that every year at budget time he has stated that this is a problem facing us and he believes that this council continues to raise taxes and rates rather than finding another way to pay this.

Mr. Messer stated that EDIT is a tax.

Mrs. Garry explained that this resolution is for the city to use a formula that was set up by the State to receive more money in just these two funds.

Mr. Coffey asked if this would raise the property taxes.

Mrs. Garry explained that this does not raise property taxes but she does not know where exactly the money comes from.

R-06-32 passed with aye votes from Mr. Kochert, Mr. Blevins, Mr. Messer, Mr. Seabrook and Mr. Gahan. Mr. Coffey and Mr. Price voted nay.

R-06-33 Additional Appropriation Resolution Blevins

Mr. Blevins introduced R-06-33 and motioned for the reading by title only, Mr. Messer second, all present voted in favor.

Mrs. Garry explained that this is a check received from the insurance company of the person who ran through the fence at Fairmont Cemetery.

A-06-08 Ordinance for Appropriations and Tax Rates Schmidt 1

Mr. Messer introduced A-06-08 and motioned for the first reading by title only, Mr. Seabrook second, all voted in favor.

A-06-09 An Ordinance to Fix the Non-Reverting Budgets Price 1
For the Year 2007

Mr. Price introduced A-06-09 and motioned for the first reading by title only, Mr. Coffey second, all voted in favor.

A-06-10	An Ordinance Setting Salaries for the Year 2007 For Sworn Members of the New Albany Police And Fire Departments; and An Ordinance Setting Salaries for the Year 2007 for Members of the Communications (CWA); and An Ordinance for Setting Salaries for the Year 2007 for Members of The ASCME Union	Seabrook 1
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Mr. Seabrook introduced A-06-06 and motioned for the first reading by title only, Mr. Messer second,

Mr. Coffey stated that the CWA’s contract has not been settled for this year and that the AFSCME workers will be receiving longevity.

Mayor Garner explained that this is in lieu of a raise for 2006.

There was a lengthy discussion regarding longevity pay and an ordinance proposed by Mr. Coffey and whether or not it was best for the city and the discrepancy of the pays for the workers on the third floor.

all voted in favor except for Mr. Kochert who abstained.

A-06-11	An Ordinance Setting Salaries for the Year 2007 For Non-Bargaining Unit Employees	Kochert 1
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Mr. Kochert introduced A-06-11 and motioned for the first reading by title only, Mr. Coffey second,

Mr. Kochert asked about the salary in the building commissioner being raised even though he is not certified, and he asked who held different positions listed in the ordinance.

Mayor Garner informed the council that the building Commissioner is certified.

Mr. Kochert asked why he had not been presented to the council.

Mayor Garner stated that he did not believe that he needed to be presented because he is the Commissioner not an inspector.

Mr. Kochert stated that he did not want to give him a raise and he wanted to amend his salary to \$40,000.00.

There was a lengthy discussion regarding the Building Commissioner’s salary. It was decided by the board to hold a separate meeting to discuss the salary ordinance.

All voted in favor on the first reading.

G-06-16	An Ordinance Authorizing the issuance of not to Exceed \$5,000,000 Aggregate Principal Amount Of Variable Rate Demand Economic Development Revenue Bonds, Series 2006 (YMCA of Southern Indiana, Inc. Project) of the City of New Albany Indiana, the Proceeds of which shall be loaned to UMCA of Southern Indiana, Inc., an Indiana	Crump 1
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Non-For-Profit Corporation, To Provide Financing For the Amount of up to \$5,000,000 to the YMCA of Southern Indiana, Inc., to Pay A Portion of the Costs of the Construction and Equipping of Certain Economic Development Facilities Consisting of a 50,000 Square Foot Three Story Facility to be used for Recreation, Education, Fitness and Other Related Activities Located at 33 State Street (Also Known as Scribner Place); Providing for the Pledge and Assignment of Revenues for the Payment of said Bonds; Authorizing an Indenture of Trust, Loan Agreement and a Bond Purchase Agreement, Authorizing the use and Distribution of an Official Statement with Respect to the Bonds; Authorizing Agreements to Secure Further the Payment of Said Bonds; and Authorizing Other Actions in Connection with the Issuance of Such Bonds

Mr. Messer introduced G-06-16 and motioned for the first reading by title only, Mr. Seabrook second.

Mr. Messer made a motion to suspend the rules for all three readings, Mr. Seabrook second, all voted in favor.

Mr. Messer moved to amend the typo from Commonwealth of Kentucky to Indiana on page 16, Mr. Seabrook second, all voted in favor.

Mr. Messer introduced G-06-16 as amended for the first reading by title only, Mr. Seabrook second.

Mr. Coffey asked Mr. Skees what happens if the YMCA forecloses on the bond.

Mr. Skees stated that Regional Bank will be obligated to pay the bond.

Mr. Gibson explained that if that happened the City will be Tenants in common with the bank.

Mr. Coffey asked if our interest is defined.

Mr. Gibson explained that the city would own 60% of the property.

Mayor Garner explained that that we own 100% of the land and 60% of the building.

Mr. Coffey asked if the interest rate was capped.

Mr. Skees explained that it is capped at 10%

Mr. Coffey asked if this would affect our bonding capabilities.

Mrs. Garry stated that this would not affect our bonding capabilities. She explained that the City has \$10,000,000 each year for bonds and she has not done any tax anticipation warrants so far this year and does not intend to do any this fall.

Mr. Coffey wanted to make it clear that even though he did not support the initial ordinance for the Scribner project he was going to vote for this because it would not affect the city financially.

G-06-17 An Ordinance Establishing Reporting Requirements Coffey 1
For the Sewer Board

Mr. Seabrook asked to amend section 2 to state “planned” projects in order to exclude emergency projects that come up from time to time.

Mr. Seabrook corrected him and stated that the sewer board is not going to hire anyone new. It was discussed at the last Sewer Board meeting and it did not carry.

all voted in favor.

Mr. Price introduced A-06-05 and motioned for the second and third readings by title only, Mr. Coffey second, all voted in favor. Bill A-06-05 became ordinance A-06-30.

Mr. Coffey introduced A-06-06 and motioned for the second and third readings by title only, Mr. Price second, all voted in favor. Bill A-06-06 became ordinance A-06-31.

Mr. Messer introduced A-06-07 and motioned for the second and third readings by title only, Mr. Coffey second, all voted in favor. Bill A-06-07 became ordinance A-06-32.

Mr. Blevins introduced Z-06-20 and motioned for the second and third readings by title only, Mr. Price second, all voted in favor. Bill Z-06-20 became ordinance Z-06-33.

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Annella Barker and Cheryl L. Thompson

Mrs. Blevins introduced Z-06-21 and motioned for the second and third readings by title only, Mr. Coffey second, all voted in favor. Bill Z-06-21 became ordinance Z-06-34.

The board decided to have a work session on Wednesday, September 20 at 6:00 p.m. to discuss the salary ordinance.

There being no further business before the council, the meeting adjourned at 9:22 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST:_____
Marcey Wisman, City Clerk